

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff.,

-against-

HDR GLOBAL TRADING LIMITED, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/24/2021

1:20-cv-08132-MKV

ORDER

HON. MARY KAY VYSKOCIL, United States District Judge:

The Court has received a letter from the United States Attorney's Office for the Southern District of New York ("USAO"), seeking leave to file a motion to intervene and to stay discovery. *See* ECF No. 40. Specifically, the USAO seeks a stay of discovery in favor of a criminal case pending in this District in front of Judge Koeltl: *United States v. Arthur Hayes, et al.*, No. 20-cv-500. The USAO argues that a stay is necessary to prevent discovery in this case "from being used to undermine discovery limitations in the Criminal Case." *See* ECF No. 40 at 2.

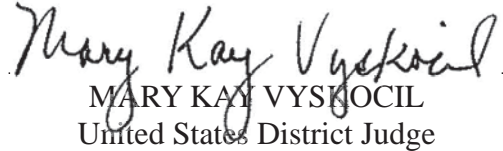
The Court directed all other Parties to respond to the letter. *See* Order, ECF No. 41. The Parties each take different positions on the USAO's application. Plaintiff does not oppose a stay of discovery, provided that the stay does not prejudice its ability to resolve claims in this case or to proceed with pre-discovery motions. *See* ECF No. 42 at 1. The corporate defendants "take no position" on a discovery stay but emphasize that they are not defendants in the criminal case and "are prejudiced by the pending litigation looming over them." *See* ECF No. 43 at 1. Finally, the individual defendants oppose any stay of discovery here, noting that the USAO's request is premature, prejudicial, and fails to meet the burden for a stay of discovery. *See* ECF No. 43 at 1-3.

The Court construes the letter received from the USAO [ECF No. 40] as a motion to intervene and to stay discovery. The motion is GRANTED only to the extent that the Court permits the USAO to intervene in this action for the purpose of seeking a stay of discovery.

The motion is DENIED without prejudice to the extent the office seeks a stay of discovery at this point. The USAO is permitted to file a motion to stay discovery after Defendants have responded to the complaint in this case, either through a motion to dismiss or by filing an Answer. To the extent the USAO files such a motion, it will be briefed according to the deadlines in Local Rule 6.1(a). All Parties should file responses to any such motion.

SO ORDERED.

Dated: March 24, 2021.
New York, New York


MARY KAY VYSKOCIL
United States District Judge